

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION

FILED 12/29/05

DEC 23 AM 12:43

ODEAN COOPER,

Petitioner,

v.

TONY PARKER, Warden,

Respondent.

No. 05-2062-D/V

MOTION FOR EXTENSION OF TIME

Respondent, through counsel, respectfully requests this Court grant an extension of 45 days in which to file a response to the petition for writ of habeas corpus filed in this matter. In support of this motion respondent would show:

1. This Court entered an Order on December 1, 2005, give respondent 23 days to file an answer or other response to the petition for writ of habeas corpus filed in this matter. That would make respondent's answer due on December 26, 2005.
2. As a part of submitting an answer, respondent is required to file relevant portions of the state court record for use in resolving this petition. Rule 5, Rules Governing Section 2254 Cases in the United States District Courts. This additional time is needed to obtain the state court records, review them, and copy the relevant portions.
3. Because petitioner is appearing pro se and is presently incarcerated, respondent was unable to contact him prior to filing this motion.

This document entered on the docket sheet in compliance with Rule 58 and/or 79(a) FRCP on 12/29/05

MOTION GRANTED

DATE: 12-23-2005

Bernice Bouie Donald
BERNICE BOUIE DONALD
U.S. DISTRICT JUDGE

(7)

WHEREFORE, respondent prays this Court will grant his motion and extend the time for filing a response to the petition for writ of habeas corpus, until February 9, 2006.

Respectfully submitted,



ALICE B. LUSTRE
Senior Counsel
Criminal Justice Division
P.O. Box 20207
Nashville, Tennessee 37202
615-741-4349

CERTIFICATE OF SERVICE

I certify that a true copy of the foregoing Motion was sent via U.S. Mail, first class postage prepaid, to Odean Cooper, Inmate #144027, Northwest Correctional Complex, 960 State Route 212, Tiptonville, Tennessee 38079, on this the 22nd day of December, 2005.



ALICE B. LUSTRE
Senior Counsel



Notice of Distribution

This notice confirms a copy of the document docketed as number 7 in case 2:05-CV-02062 was distributed by fax, mail, or direct printing on December 29, 2005 to the parties listed.

Alice B. Lustre
ATTORNEY GENERAL OFFICE
425 5th Avenue North
Nashville, TN 37243--049

Odean Cooper
NORTHWEST CORRECTIONAL COMPLEX
144027
960 State Route 212
Tiptonville, TN 38079

Honorable Bernice Donald
US DISTRICT COURT